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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/025,682	12/26/2001	Claude Richard	RICARD6	6083
1444	7590	02/02/2006	EXAMINER	
BROWDY AND NEIMARK, P.L.L.C. 624 NINTH STREET, NW SUITE 300 WASHINGTON, DC 20001-5303			ROBINSON BOYCE, AKIBA K	
			ART UNIT	PAPER NUMBER
			3639	

DATE MAILED: 02/02/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/025,682

Applicant(s)

RICHARD, CLAUDE

Examiner

Akiba K. Robinson-Boyce

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 26 December 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-24 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-24 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 12/26/01.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Status of Claims

1. Due to communications filed 12/26/01, the following is a non-final first office action. Claims 1-24 are pending in this application and have been examined on the merits. Claims 1-24 are rejected as follows.

Claim Rejections - 35 USC § 112

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.
3. Claims 23 and 24 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 23 recites the limitation "for hire position" in lines 2-3 of the claim. There is insufficient antecedent basis for this limitation in the claim.

Claim 24 recites the limitation "'On Hire' position" in lines 2-3 of the claim. There is insufficient antecedent basis for this limitation in the claim.

Correction is required.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

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5. Claims 1-3, 8-11 and 19-24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Murphy (US 5,917,434).

As per claim 1, Murphy discloses an electronic taximeter which comprises:
detection means able to detect a signal transmitted by a toll post, when the vehicle equipped with the taximeter passes in proximity to said post, (col. 2, lines 6-14, GPS system is integrated into the taximeter for calibrating/cross checking of input odometer pulses and producing corrected odometer input pulses and GPS time signals in order for the taximeter to compute elapsed time and distance traveled, in this case, the odometer serves as the toll post since the fares are computed from the odometer output pulses/GPS information as shown in col. 2, lines 36-39, and the GPS system serves as the detection means);

locating means able to determine the location of the vehicle, said means being activated at least when the detection means detect the proximity of a toll post, (Abstract, lines 17-22, integrated GPS receiver included to tag vehicle location, w/col. 5 lines 24-28, where the differential GPS position is determined based on a reference point, [fixed GPS reference-receiver site that detects odometer pulses]);

means able to calculate the amount of the toll thus determined, (Col. 7, line 67-Col. 8, line 4, fare computation module computes fare);

means for displaying the amount thus calculated, (Col. 8, lines 4-5, display module displays computed fare).

The following is obvious with Murphy since the location of the vehicle is determined through corrected odometer input pulses and GPS time signals from a GPS

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receiver/computer system according to correction information that is transmitted locally from a fixed GPS reference-receiver site. In this case, the identity of GPS reference-receiver site is already known since it is fixed. Therefore, the identification of the odometer is also known since the pulses are being corrected by the fixed GPS reference-receiver site, which needs to know the identity of the odometer in order to correct pulses for it, and determine the corrected location of the vehicle:

determination means able to determine the identification of the toll post thus detected, as a function of the location of the vehicle.

It would have been obvious to one of ordinary skill in the art at the time of the applicant's invention to determine the identification of the toll post thus detected, as a function of the location of the vehicle with the motivation of identifying the distance of the toll post in accordance to the vehicle.

As per claim 2, Murphy discloses

a circuit tuned to a frequency corresponding to that of the signals transmitted by the toll posts, (Col. 6, lines 15-20, interface circuit uses information on the signal line to provide corrected odometer pulses on a signal line);

a rectifier associated with said tuned circuit, (Col. 6, lines 20-22, pulse stuffer/subtractor module);

a level detector connected to said rectifier, (Col. 6, lines 36-38, GPS system verifies and corrects pulses).

As per claim 3, Murphy discloses

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wherein the tuned circuit consists of an antenna etched on a printed circuit board disposed in the taximeter or on the mount for securing the taximeter, itself..., (Col. 5, lines 25-26, GPS antenna, w/ col. 5, lines 51-53, placer DR system circuit board).

The following is obvious with Murphy since it is shown that the taximeter is installed in a taxi vehicle, and a fare is computed from calibrated odometer output pulse signals as shown in col. 3, lines 6-15. In this case, installation must occur in a location where signals can be read, and processed to compute a fare. In addition, installing "in" a taxi vehicle is installing anywhere on the inside of the vehicle, and is therefore not limited to installing on the rear of the windscreen of the vehicle:

intended to be installed on the rear of the windscreen of the vehicle, so as to be within the field of the transmitter of the toll post through the windscreen of the vehicle.

It would have been obvious to one of ordinary skill in the art at the time of the applicant's invention to for installation to occur on the rear of the windscreen of the vehicle, so as to be within the field of the transmitter of the toll post through the windscreen of the vehicle with the motivation of providing means that will allow a vehicle to accurately detect signals.

As per claim 8, Murphy discloses

wherein the locating means include a GPS positioning device, (Abstract, lines 1-3, GPS receive/computer for providing GPS position).

As per claim 9, Murphy discloses

wherein the locating means are activated at the moment of detecting the proximity of a toll post, (Abstract, lines 17-22, integrated GPS receiver included to tag

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vehicle location, w/col. 5 lines 24-28, where the differential GPS position is determined based on a reference point, [fixed GPS reference-receiver site that detects odometer pulses]).

As per claim 10, Murphy discloses

wherein the locating means are activated on the basis of detecting the proximity of a toll post, in such a way as to determine the alterations in the location, and in particular in the direction of motion of the vehicle, subsequent to the detecting of the toll post, (Abstract, lines 17-22, integrated GPS receiver included to tag vehicle location, w/col. 5 lines 24-28, where the differential GPS position is determined based on a reference point, [fixed GPS reference-receiver site that detects odometer pulses]).

As per claim 11, Murphy discloses:

wherein the locating means are activated continuously, in such a way as to determine the alterations in the location and in particular the direction of motion of the vehicle, as soon as the proximity of the toll post is detected, (Col. 10, lines 63-67, providing continuous calibrated odometer output impulses).

As per claim 19, Murphy discloses:

wherein the displaying of the amount of the toll is done on the screen of the taximeter, (Col. 5, lines 1-4, computed fare is displayed on the display panel).

As per claim 20, Murphy discloses:

wherein the displaying of the amount of the toll is done by printing on the receipt printed at the end of the trip, (col. 9, lines 47-50, receipts).

As per claim 21, Murphy discloses:

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wherein the amount of the toll is added to the amount for the trip, at the moment of detection, (Col. 4, lines 56-65, fare computation module receives input signals from trip distance module and computes fare).

As per claim 22, Murphy does not specifically disclose wherein the amounts of the tolls are recorded in a chronological log, but does disclose the computation of a fare in accordance with real time in Col. 4, lines 61-65, and also discloses the incorporation of a recording system that is used for the real-time logging of data associated with the vehicle in col. 9, lines 10-16. Recording the amounts of the tolls in a chronological log is therefore obvious with Murphy since the real time recording of data results in data that is logged from a start to an end time while the vehicle is in motion.

It would have been obvious to one of ordinary skill in the art at the time of the applicant's invention for the amounts of tolls to be recorded in a chronological log with the motivation of maintaining toll data in a sequential order geared towards beginning at a start time, and ending at a finish time.

As per claims 23 and 24, Murphy discloses:

wherein the amounts of the tolls traversed in the for hire position are aggregated in a particular register/wherein the amounts of the tolls traversed in the "On Hire" position are aggregated in a particular register, (Col. 6, lines 55-58, shows that trip traverse information is sent from the GPS to a data recorder).

6. Claims 4-7 and 12-18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Murphy (US 5,917,434), as applied to claim 1, and further in view of Golenski (US 3,991,485).

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As per claims 4, 6, Murphy fails to disclose wherein the locating means are able to receive the signals transmitted by the connection towers of a cellular telephony network/wherein the locating means comprise a cellular telephone, but does disclose a system that detects the movement of a vehicle through the detection of pulse signals in Col.1, lines 51-54.

However, Golenski discloses:

wherein the locating means are able to receive the signals transmitted by the connection towers of a...network, (Col. 11, lines 51-54, loop signals). Golenski discloses this limitation in an analogous art for the purpose of showing that the identification of zones at a control tower.

It would have been obvious to one of ordinary skill in the art at the time of the applicant's invention to receive signals transmitted by connection towers of a cellular telephony network with the motivation of incorporating a cellular network into a system for vehicle location.

Neither Murphy nor Golenski disclose cellular telephony, or wherein the locating means comprise a cellular telephone, however, this limitation is obvious with Golenski since Golenski shows the identification of a vehicle in relation to the zone of control towers by processing timing pulses as shown in col. 11, line 59-col. 12, line 22, which is how a cellular phone in a cellular network works.

It would have been obvious to one of ordinary skill in the art at the time of the applicant's invention to incorporate a cellular network into a system for location vehicles/

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wherein the locating means comprise a cellular telephone with the motivation of providing a network that uses pulse signals to determine vehicle location.

As per claim 5, Murphy fails to disclose determining the identification number of a connection tower close to the vehicle, but does disclose a system that detects the movement of a vehicle through the detection of pulse signals in Col.1, lines 51-54.

However, Golenski discloses:

wherein the locating means are able to determine the identification number of a connection tower close to the vehicle, (Col. 11, lines 51-55, identify zones at control towers). Golenski discloses this limitation in an analogous art for the purpose of showing that when a vehicle is in a particular, zone, it can be identified from the distance from a particular control tower in a particular zone).

It would have been obvious to one of ordinary skill in the art at the time of the applicant's invention to determine the identification number of a connection tower close to the vehicle with the motivation of determining the location of a vehicle in accordance to a connection tower.

As per claim 7, Murphy fails to disclose wherein the locating means comprise a radio modem, but does disclose a system that detects the movement of a vehicle through the detection of pulse signals in Col.1, lines 51-54.

However, Golenski discloses:

wherein the locating means comprise a radio modem, (Abstract, lines 7-10, radio transmitter). Golenski discloses this limitation in an analogous art for the purpose of showing means for transmitting an identifying signal for the vehicle.

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It would have been obvious to one of ordinary skill in the art at the time of the applicant's invention to incorporate a radio modem with the motivation of disclosing transmission means that will help to locate a vehicle.

As per claim 12, Murphy fails to disclose wherein the acquisition of the tower identification numbers is performed at regular intervals of distance traveled, but does disclose a system that detects the movement of a vehicle through the detection of pulse signals in Col.1, lines 51-54.

However, Golenski discloses:

wherein the acquisition of the tower identification numbers is performed at regular intervals of distance traveled, (Col. 11, lines 54-57, each time a loop is addressed, the address of a zone is presented). Golenski discloses this limitation in an analogous art for the purpose of showing that the zone of a tower can be determined each time a loop is identified.

It would have been obvious to one of ordinary skill in the art at the time of the applicant's invention for the acquisition of the tower identification numbers to be performed at regular intervals with the motivation of determining the location of a vehicle at regular intervals.

As per claim 13, Murphy fails to disclose wherein the identification numbers of the towers are stored for a duration corresponding to a predetermined distance traveled, but does disclose a system that detects the movement of a vehicle through the detection of pulse signals in Col.1, lines 51-54.

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However, this limitation is obvious with Golenski since Golenski discloses that the address of the zone is presented to the computer in Col. 11, lines 57-58, and computers specifically have storage for storing data that needs to be processed.

It would have been obvious to one of ordinary skill in the art at the time of the applicant's invention for the identification numbers of the towers to be stored for a duration corresponding to a predetermined distance traveled with the motivation of providing means that would allow the system to effectively receive and maintain the identification of the towers for further processing.

As per claim 14, Murphy fails to disclose wherein the means for determining the identification of the toll post as a function of the location of the vehicle comprise a database, but does disclose a system that detects the movement of a vehicle through the detection of pulse signals in Col.1, lines 51-54.

However, this limitation is obvious with Golenski since Golenski discloses that the address of the zone is presented to the computer in Col. 11, lines 57-58, and computers specifically have storage (generally databases) for storing data that is transmitted to and from the system.

It would have been obvious to one of ordinary skill in the art at the time of the applicant's invention to incorporate a database when identifying a toll post as a function of the location of the vehicle with the motivation of providing means that would allow the system to effectively receive and maintain the identification of the towers for further processing.

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As per claim 15, Murphy fails to disclose wherein the database is programmed in the microprocessor included in the taximeter, but does disclose a system that detects the movement of a vehicle through the detection of pulse signals in Col.1, lines 51-54.

However, Golenski discloses:

wherein the database is programmed in the microprocessor included in the taximeter, (Col. 12, lines 5-7, encoding means to produce the final code which are applied to the terminal via signal, where the output signal terminal is applied to the computer) Golenski discloses this limitation in an analogous art for the purpose of showing that code is utilized to carry out the function of the computer [where the database is included as part of the computer).

It would have been obvious to one of ordinary skill in the art at the time of the applicant's invention to program the database in the microprocessor included in the taximeter with the motivation of building a database that will comply with the functionality of the taximeter.

As per claim 16, Murphy fails to disclose wherein the database can be downloaded into the taximeter, but does disclose a system that detects the movement of a vehicle through the detection of pulse signals in Col.1, lines 51-54.

However, this limitation is obvious with Golenski since Golenski discloses that the address of the zone is presented to the computer in Col. 11, lines 57-58, and computers specifically have storage (generally databases which are downloadable in any operable computer system) for storing data that is transmitted to and from the system.

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It would have been obvious to one of ordinary skill in the art at the time of the applicant's invention to incorporate a database that is downloadable into the taximeter with the motivation of providing means that would allow the system to effectively receive and maintain the identification of the towers for further processing.

As per claim 17, Murphy fails to disclose wherein the database is hosted within a remote computer site, and is interrogated during the detection of the proximity of a toll post, but does disclose a system that detects the movement of a vehicle through the detection of pulse signals in Col.1, lines 51-54.

However, Golenski discloses:

wherein the database is hosted within a remote computer site, and is interrogated during the detection of the proximity of a toll post, (col. 6, lines 30-33, shows that a remote branch office located below the control tower may be used to contact the computer and obtain results). Golenski discloses this limitation in an analogous art for the purpose of showing that a remote computer can be incorporated to determine the location of a vehicle.

It would have been obvious to one of ordinary skill in the art at the time of the applicant's invention to incorporate a database within a remote computer site with the motivation of allowing the location of the vehicle to be detected remotely.

As per claim 18, Murphy discloses:

wherein the database includes the amount of the toll, (Col. 7, line 67-Col. 8, line 4, fare computation module computes fare).

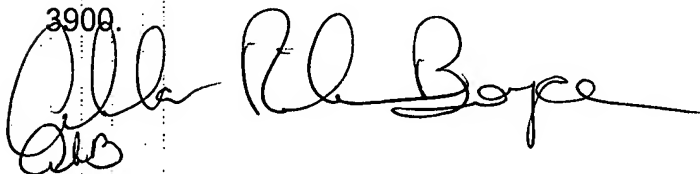
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Conclusion

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Akiba K Robinson-Boyce whose telephone number is 571-272-6734. The examiner can normally be reached on Monday-Friday 8:30am-5pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Hayes can be reached on 571-272-6708. The fax phone numbers for the organization where this application or proceeding is assigned are 703-746-7238 [After final communications, labeled "Box AF"], 703-746-7239 [Official Communications], and 703-746-7150 [Informal/Draft Communications, labeled "PROPOSED" or "DRAFT"].

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-

3908.


A. R. B.
January 19, 2006